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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,167	10/09/2003	Yasuaki Fukada	1248-0674P	6469
2292	7590	04/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,167

Applicant(s)

FUKADA ET AL.

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3, 5 and 17 are rejected under are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Noguchi et al. (US 4,978,980).

With respect to claims 1 and 5, Noguchi et al. teaches a two-side image forming apparatus having a first transferring path 508 for transferring one-side printed sheet to a tray 507 from a supply tray or a sheet storage section 501 and a second transferring path or a duplex path 509 connected to the first transferring path for feeding the one-side printed sheet to an imaging forming means 505 so that the plurality of sheets are transferred concurrently in the transferring paths, an intermediate roller 515 provided along the second transferring path and a register or resister roller 405 (Noguchi et al., Figs. 21 and 22). Noguchi et al. et al. does not clearly teach the rotation of the intermediate roller which is synchronism with a resumption of rotation of the resist roller. However, it would have been obvious to one of ordinary skill in the art to modify the control method of Noguchi et al. to permit more precise control the rotation of the intermediate roller so that the roller is in synchronism with a resumption of rotation of the register or resist roller or the feeding of a paper to the image forming means would be jammed. With respect to claim 2, Noguchi et al. teaches the switchback means 516 located upstream of the tray 507 (Noguchi et al., Fig.21). With respect to claims 3 and

17, Fig.29 of Noguchi et al. shows the conventional use of a sensor (d) in the second path 609.

Claims 4 and 6-16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Noguchi et al. (US 4,978,980) in view of Yasui et al. (US 5,839,032).

With respect to claim 4, Noguchi et al. teaches all that is claimed, except the rollers located at the crossing point between the first and second transferring paths. Yasui et al. teaches a two-side image forming apparatus having the rollers 34a and 34b located at the crossing point between the first conveying path 33 and the second conveying path or the duplex path 92 (Yasui et al., Fig.3). Therefore, in view of the teaching of Yasui et al., it would have been obvious to one of ordinary skill in the art to modify the image forming apparatus of Noguchi et al. by providing the rollers located at the crossing point between the two conveying paths as taught by Yasui et al. to improve the efficiency of transferring sheets in the two-side image forming apparatus. With respect to claims 6-17, the selection of a desired period or timing for feeding a sheet from a tray or to an image forming device while the switchback means reverses the other sheet to a second path, and the selection of a desired location of the detection means on the transferring paths would be obvious through routine experimentation in order to get the maximum number of printed sheets in a shortest time.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Noguchi et al. and Yasui et al. do not teach or suggest the first sheet-transferring path, the second transferring path and the switch-back means including the sheet transfer driving sections which are independently driven by different driving sources and that the limitations of claim 13 (previously presented) has not been considered.

The arguments, however, fail to recognize that a prior art reference must be "considered together with the knowledge of one of ordinary skill in the pertinent art." *In re Samour*, 571 F.2d 559, 562, 197 USPQ 1, 3-4 (CCPA 1978); *See also DeGeorge*, 768 F.2d at 1323, 226 USPQ at 762 (Fed. Cir. 1985) (a reference "need not, however, explain every detail since {it} is speaking to those skilled in the art". Note, also, that, as indicated above, Noguchi et al. alone teaches a two-side image forming apparatus having first sheet-transferring path, the second transferring path and the switch-back means including the sheet transfer driving sections 516, 510 in Figs. 21 and 22 of Noguchi et al. The use of driving sources for driving the sheet transfer driving section is well known in the art. For example, Figs. 2 and 3 of Noguchi et al. (the prior art) which show the switch-back means 16 which can be driven forward or backward by a driving source which is independently driven from the drive source of the pick-up roller 3.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

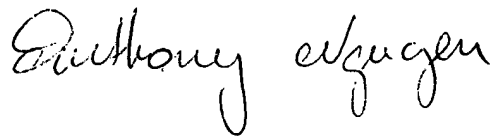
Art Unit: 2854

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
4/1/055  
Patent Examiner  
Technology Center 2800